

## MALPRACTICE & MALADMINISTRATION POLICY

### Purpose

The purpose of this policy is to provide guidance to learners, tutors, invigilators and other relevant individuals registered to attend or delivering training / qualification for Beyond the Blue Limited ('The Company') and who are involved in suspected of actual malpractice / maladministration. It is also for use by our administration staff and senior management team to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps our organisation, learners and other personnel must follow when reporting suspected or actual cases of malpractice / maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

### The company's responsibility

It is important that all staff involved in the management, assessment and quality assurance of our qualifications, and learners, are fully aware of the contents of this policy and the arrangements we have in place to prevent and investigate instances of malpractice and maladministration.

### Definition of 'Malpractice'

Malpractice is any activity or practice which deliberately contravenes the company's regulations and those of accrediting / awarding bodies with which we are affiliated and which compromises the integrity of the internal or external assessment process and / or the validity of certificates and qualification.

It covers any deliberate actions, neglect or other practice that compromises, or could compromise:

- the assessment process;
- the integrity of a regulated qualification;
- the validity of a result or certificate;
- the reputation and credibility of the company or the qualification; or,
- the awarding bodies with whom the company is accredited.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records in order to claim certificates.

### Definition of 'Maladministration'

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration.

## Examples of maladministration

- Persistent or deliberate failure to adhere to our learner registration and certification procedures.
- Persistent or deliberate failure to adhere to the terms of our accredited centre recognition and / or qualification requirements.
- Unreasonable delays in responding to requests and / or communications from the company or its management team
- Inaccurate or fraudulent claims for certificates
- Persistent or deliberate failure to maintain appropriate auditable records, e.g. certification claims and / or forgery of evidence
- Withholding of information, by deliberate act or omission, which demonstrate examples of malpractice
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with requirements
- Intentional withholding of information, which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams / assessments
- Persistent or deliberate failure to adhere to our examination procedures.

## Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify a Directors of the company. In doing so they should put their concerns in writing (emails are also accepted) and where appropriate enclose / attach appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name
- The name of the member of staff, invigilator or tutor; if they are involved in the case
- Details of the course / qualification affected or nature of the service affected; where possible include the:
  - Date of the course / service
  - Course / qualification title
  - Location of the course / service
- Nature of the suspected or actual malpractice and associated dates details and outcome of any initial investigation carried out by anybody involved in the case, including any mitigating circumstances

The Director(s) will then conduct an initial investigation to ensure that staff involved in the investigation are competent and have no personal interest in the outcome of that investigation.

In all cases of suspected malpractice and maladministration reported we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and / or any other legal duty.

### **Confidentiality and whistle blowing**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us; however if you are concerned about possible adverse consequences you may request that the Directors do not divulge your identity.

While we are prepared to investigate issues which are reported to us anonymously, we shall always try to confirm an allegation by means of a separate investigation, before taking up the matter with those who the allegation relates to.

### **Responsibility for the investigation**

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly by the company to establish if malpractice or maladministration has occurred. The company will take all reasonable steps to prevent any adverse effect from the occurrence, as defined by awarding bodies and where appropriate Ofqual.

We will acknowledge receipt, as appropriate, to external parties within 48 hours.

The Director will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff or external person / party to lead the investigation, establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered during the investigation.

### **Notifying relevant parties**

Where applicable, our Director will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding body / organisation.

Where the allegation may affect an awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed by the regulator Ofqual.

### **Investigation timelines and summary process**

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations / complaints in order to determine whether any irregularities have occurred.

- To identify the cause of the irregularities and those involved.
- To establish the scale of the irregularities.
- To evaluate any action already taken
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the company, the awarding body and the qualification.
- To identify any adverse patterns or trends.
- The investigation may involve a request for further information from relevant parties and / or interviews with personnel involved in the investigation.

Therefore, we will:

- Ensure all material collected as part of an investigation are be kept securely.
- If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for seven years thereafter.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and / or at any time during the investigation, we reserve the right to withhold a learner's, and / or cohort's, results.

Where a member staff employed by the company or contracted to the company is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Director will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping relevant external parties informed.

### **Investigation report**

After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- Identify where the breach, if any, occurred.
- Confirm the facts of the case.
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied.

We'll make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent / third party that notified us of the suspected or actual case of malpractice, we will also inform them of the outcome; normally within 10 working days of making our decision. In doing

so we may withhold some details, in order to adhere to Data Protection requirements or if to do so would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff the report will be agreed by the Director, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

### Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, we will consider what action to take in order to:

- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery and awarding of qualifications.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards.

The action we take may include:

- Inform Awarding Bodies and implement their relevant procedures.
- Inform learners where relevant of the company's Formal Complaints Procedure and Formal Examinations Appeal Procedure.
- Imposing actions in order to address the instance of malpractice / maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the Awarding Organisation concerned and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also let the affected learners know the action we're taking and that their original certificates are invalid and ask - where possible - to return the invalid certificates to the company.
- Informing relevant third parties (e.g. employers, clients, funding bodies) of our findings in case they need to take relevant action.
- In addition, to the above the Director will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.

If any relevant party wishes to appeal against our decision to impose sanctions, please refer to our Formal Complaints & Appeals Procedures.

*Updated – 1<sup>st</sup> December 2016 – Peter Mayhew*